

Rev. 4/18

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CIVIL APPEAL STATEMENT

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 23-13161

Caption: Linda Medley, Plaintiff-Appellee, V. Dish Network, LLC, Defendant-Appellant	District and Division: <u>Middle District of Florida</u> Name of Judge: <u>Charlene Edwards Honeywell</u> Nature of Suit: <u>890 Other Statutory Actions</u> <hr/> Date Complaint Filed: <u>August 31, 2016</u> District Court Docket Number: <u>8:16-cv-02534-CEH-CPT</u> <hr/> Date Notice of Appeal Filed: <u>September 22, 2023</u> <input type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action <hr/> Has this matter previously been before this court? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide (a) Caption: <u>Linda Medley v. Dish Network, LLC</u> (b) Citation: _____ (c) Docket Number: <u>18-13841</u>
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	Attorney Name	Mailing Address	Telephone, Fax, Email
For Appellant: <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	Eric Larson Zalud	127 Public Square Suite 4900 Cleveland, OH 44114	(216) 363-4500 (216) 363-4588 ezalud@beneschlaw.com
For Appellee: <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	Ian R. Leavengood	3900 First Street North Suite 1000 St. Petersburg, FL 33703	(727) 327-3328 (727) 327-3305 ileavengood@leavenlaw.com

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input checked="" type="checkbox"/> Federal Question <input type="checkbox"/> Diversity <input type="checkbox"/> US Plaintiff <input type="checkbox"/> US Defendant	<input checked="" type="checkbox"/> Final Judgment, 28 USC 1291 <input type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1) <input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b) <input type="checkbox"/> Interlocutory Order, Qualified Immunity <input type="checkbox"/> Final Agency Action (Review) <input type="checkbox"/> 54(b)	<input type="checkbox"/> Dismissal/Jurisdiction <input type="checkbox"/> Default Judgment <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Judgment/Bench Trial <input checked="" type="checkbox"/> Judgment/Jury Verdict <input type="checkbox"/> Judgment/Directed Verdict/NOV <input type="checkbox"/> Injunction <input type="checkbox"/> Other _____	Amount Sought by Plaintiff: \$ <u>10,000.00</u> Amount Sought by Defendant: \$ _____ Awarded: \$ <u>234,750.00</u> to <u>Plaintiff</u> Injunctions: <input type="checkbox"/> TRO <input type="checkbox"/> Granted <input type="checkbox"/> Preliminary <input type="checkbox"/> Denied <input type="checkbox"/> Permanent <input type="checkbox"/> Denied

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Based on your present knowledge:

- (1) Does this appeal involve a question of First Impression? ☐ Yes ☒ No
What is the issue you claim is one of First Impression? _____

- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? ☒ Yes ☐ No

If Yes, provide

- (a) Case Name/Statute Florida Consumer Collection Practices Act, Chapter 559
(b) Citation _____
(c) Docket Number if unreported _____

- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that
(a) Arises from substantially the same case or controversy as this appeal? ☐ Yes ☒ No
(b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? ☐ Yes ☒ No

If Yes, provide

- (a) Case Name _____
(b) Citation _____
(c) Docket Number if unreported _____
(d) Court or Agency _____

- (4) Will this appeal involve a conflict of law
(a) Within the Eleventh Circuit? ☐ Yes ☒ No
(b) Among circuits? ☐ Yes ☒ No

If Yes, explain briefly:

- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:

1. The district court erred in denying DISH's motion for remittitur and renewed motion for judgment as a matter of law on punitive damages.
2. The district erred in denying DISH's renewed motion for judgment as a matter of law on the issue of emotional distress damages.
3. The district court erred in denying DISH's motions in limine.
4. The district court erred in denying DISH's renewed motion for judgment as a matter of law on liability.

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 10th DAY OF October, 2023.

Eric Larson Zalud

NAME OF COUNSEL (Print)

/s/ Eric Larson Zalud

SIGNATURE OF COUNSEL